

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

HBA MOTORS, INC.

Case No. 1:21-cv-624

Plaintiff,

Judge Timothy S. Black

vs.

ARMAND BRIGANTE, *et al.*,

Defendants.

**ORDER REQUIRING DEFENDANT ISMAIL SHALASH
TO FILE BY NOVEMBER 3, 2021
HIS WRITTEN OPPOSITION, IF ANY,
TO PLAINTIFF’S MOTION FOR A PRELIMINARY INJUNCTION**

On September 28, 2021, Plaintiff HBA Motors filed a complaint, and a motion for a temporary restraining order and preliminary injunction against Defendants, including Ismail Shalash. (Docs. 1, 3). HBA Motors alleges a fraudulent sale of high-end cars, perpetrated by Shalash. (*Id.*).

The Court held hearings on these allegations and requests for relief on October 6, 2021 and October 12, 2021. Shalash did not appear at these conferences and has not appeared in this case to date. An attorney for Shalash’s (non-party) family member has told this Court that Shalash is likely aware of this case. (Doc. 13).

On October 7, 2021, without Shalash’s participation, the Court granted a temporary restraining order “TRO” against Shalash. (Doc. 15). The TRO restricts Shalash from using, converting, or disposing of HBA Motors’ assets in Defendant’s possession—including the money wired to Shalash by HBA Motors. (*Id.*) The Court entered this Order

because, among other reasons, it found HBA Motors had submitted evidence demonstrating a likelihood of prevailing on its fraud claim against Shalash. (*Id.*). The Court extended this TRO—by Order dated October 21, 2021—to November 4, 2021.

Despite several efforts, HBA Motors has not been able to effectuate personal service on Shalash through standard means. This is likely because Shalash is wanted by the F.B.I. (Doc. 12). For this reason, the Court approved alternative service by email. (Doc. 21). On October 25, 2021, Plaintiff filed an affidavit of service detailing the facts of its alternative service on Shalash. (Doc 22). Having reviewed that affidavit of service, the Court is satisfied that Ismail Shalash has notice of the allegations against him and of HBA Motor’s motion for a preliminary injunction. (Doc. 3).

Accordingly, Ismail Shalash is **HEREBY ORDERED** to submit written opposition to Plaintiff’s motion for a preliminary injunction, or to otherwise make himself heard on the allegations in this case, by no later than November 3, 2021. If Shalash fails to respond, the Court will consider the motion for a preliminary injunction unopposed.

By October 28, 2021, Plaintiff **SHALL SERVE** this order on Shalash using the same means described in its notice of service.

IT IS SO ORDERED.

Date: 10/27/2021

s/Timothy S. Black
Timothy S. Black
United States District Judge